

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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<b>KRIS LORD,</b>	:	
	:	
Plaintiff,	:	<b>ORDER ADOPTING REPORT</b>
	:	<b>AND RECOMMENDATION</b>
– against –	:	
	:	23-CV-2307 (AMD) (RML)
<b>U.S. MARSHALL RALPH SOZIO, et al.,</b>	:	
	:	
Defendants.	:	
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**ANN M. DONNELLY**, United States District Judge:

On March 24, 2023, the *pro se* plaintiff brought this action against the defendants—U.S. Marshall Ralph Sozio, U.S. Marshall Director Ronald L. Davis, U.S. Marshall Vincent F. DeMarco, and David Vizhnay—seeking damages for various violations of his constitutional rights pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). (ECF No. 1 at 4.)

On April 24, 2023, Magistrate Judge Robert Levy issued an order advising the plaintiff that he must serve the defendants by June 22, 2023, or 90 days after the complaint was filed. (ECF No. 6.) The plaintiff did not file proof of service by June 22, 2023. Instead, in letters to the court, he alleged that the defendants had been served but that he could not file proof of service because of the process server’s “criminal activities” and fraud. (*See* ECF Nos. 5, 7–9.) On October 14, 2023, Judge Levy issued another order directing the plaintiff to complete service by November 10, 2023. (*ECF Order dated Oct. 14, 2023.*) He warned the plaintiff that he would recommend that the case be dismissed for failure to prosecute if the plaintiff did not complete service by that date. (*Id.*) The plaintiff has not filed proof of service, nor has he communicated with the Court since his July 5, 2023 letter. (ECF No. 9.) Accordingly, in a

December 19, 2023 Report and Recommendation, Judge Levy recommended that the case be dismissed for failure to prosecute. (ECF No. 10.) No objections have been filed to the report and recommendation, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have carefully reviewed Judge Levy’s report and recommendation and find no error. Accordingly, I adopt the report and recommendation in its entirety and order that the complaint be dismissed without prejudice.

**SO ORDERED.**

s/Ann M. Donnelly  
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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
January 29, 2024